

TITLE IX: GENERAL REGULATIONS

Chapter 91. PARKS AND RECREATION

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91.01 PURPOSE.

The purpose of this chapter, which is enacted pursuant to M.S. Chapter 398, as it may be amended from time to time, is to secure the quiet, orderly and suitable use and enjoyment of public park properties by the Board of Commissioners.

(Ord. 30, passed 4-14-87)

91.02 AUTHORITY.

The Board of Commissioners, under M.S. 398.31 to 398.36, as it may be amended from time to time, in performing its primary duty of the acquisition, development and maintenance of parks, wildlife sanctuaries, forest and other reservations and providing the means for public access to historic sites, lakes, rivers, streams and other natural phenomena is granted full power and authority to acquire and establish parks and to operate, maintain, protect and improve a park system and conduct a recreational program. As an aid to the accomplishment of these duties, the Board is granted the

authority to enact ordinances and to declare that the violation thereof shall be a penal offense.

(Ord. 30, passed 4-14-87)

91.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMUSEMENT CONTRAPTIONS. Any device, contrivance, gadget, machine or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing or fall experience including, but not limited to ball throwing contest device, pinball type device, electronic videos, animal ride devices, dunk tank, ball and hammer devices, trampoline devices and the like.

AREA or AREAS. A specified place within a park.

BEACH. The part of a body of water and shore designated for swimming.

BOARD. The appointed and elected members of the Board of Commissioners.

CONTROLLED SUBSTANCE. Any drug substance or immediate precursor in M.S. 152.02, as it may be amended from time to time.

DIRECTOR. The person appointed by the Board to serve as the Chief Administrative Officer of the Parks Division.

MALT LIQUOR. Any beer, ale or other beverage made from malt by fermentation and containing not less than .5% alcohol by volume.

MOTORIZED RECREATION VEHICLE. Any self-propelled, off the road or all terrain vehicle including, but not limited to snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy or all terrain cycle.

NATURAL RESOURCES. All flora and fauna within the parks and the physical factors upon which they depend, including air, water, soil and minerals.

PARK. Any land or water area and all facilities thereon, under the jurisdiction, control or ownership of the county for the recreational enjoyment of the public.

PARKS DIVISION. An operating unit of the Department of Public Works responsible for the planning, development, operation and maintenance of county parks.

PERSON or PERSONS. Individuals, firms, corporations, societies or any group or gathering whatsoever.

PET. Any animal that is tamed and domesticated and kept as a companion.

POLLUTANT. Any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, or that of wildlife or vegetation.

PROPERTY. Any land, waters, facilities or possessions of the county.

RESOLUTION. Official control promulgated by the Board establishing additional rules and regulations relative to this chapter, and as on file in the County Auditor's Office.

USE PERMIT. The written permission that must be obtained from the Parks Division to carry out a given activity.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WATERCRAFT. Any contrivance used or designated for navigation on water other than seaplanes.

WEAPON. Any device, including, but not limited to firearms, bows, electronic weapons, slings and pellet or B-B guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air or other means. An **ELECTRONIC WEAPON** means a portable device which is designed, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electronic current.

WILDLIFE. Any living creature, not human, wild by nature, endowed with sensation, power of voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

WINE. A vinous beverage containing no more than 14% alcohol by volume.

(Ord. 30, passed 4-14-87)

91.04 PUBLIC USE REGULATIONS.

(A) *Hours of operation.*

(1) Parks shall be open to the public daily at hours established by the Board. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit, except when the park area or facility is otherwise designated by the Board.

(2) The Director or designee is authorized to close any park or portion thereof at any time for the protection of park property or for the public health, safety or welfare.

(B) *Use permits.*

(1) Use permits shall be required for the exclusive or special use of all or portions of park areas, buildings or trails; for use of park areas and facilities when they are closed to the public; to conduct certain activities not normally permitted as per conditions of this chapter; for regulation of large group activities, as defined herein; or to reduce or eliminate certain user fees for groups, as defined herein.

(2) Procedures to issue use permits shall be in accordance with guidelines established by Board resolution.

(3) Use permits shall be approved by the Park Director or his or her authorized designee, or if required by this chapter, by the Board. However, the Park Director reserves the right to defer any use permit approval to the Board.

(4) It shall be unlawful for a person or persons to violate any provisions of an approved use permit.

(5) It shall be unlawful for a person or persons to engage in any activity requiring a use permit without first obtaining the permit.

(C) *User and special use fees/modifications.*

(1) User fees for entrance into parks and special use fees for various park uses shall be set by Board resolution.

(2) It shall be unlawful for any person to use, without payment, any facility or area for which a user fee or special use fee is charged, unless payment is reduced or waived by use permit.

(3) Upon group request for reduction or elimination of fees, the issuing authority shall evaluate the request including, but not limited to the following factors:

- (a) Charitable nonprofit;
- (b) Property or income tax supported; and
- (c) Educational or religious.

(4) Use permits to reduce or eliminate fees shall be approved by the Park Director or his or her authorized designee. The Park Director reserves the right to defer any fee modification request to the Board.

(D) *Use by groups.* Use permits shall be required for any entertainment, tournament, exhibition or any other special use which can reasonably be expected to have 20 or more persons involved or potentially have a detrimental effect on park property or other park users.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.05 CONDUCT; PERSONAL BEHAVIOR.

(A) *Drug and alcohol use.* It shall be unlawful for any person to:

(1) Use, possess or sell any controlled substance in violation of state statutes; and/or

(2) Serve, possess or consume any alcoholic beverage, except malt liquor and wine, within a park, except at areas designated by the Board.

(B) *Gambling.* It shall be unlawful for any person to gamble or participate in any game of chance for a consideration of items of value, except charitable gambling as approved by the County Board.

(C) *Disorderly conduct.* It shall be unlawful for any person to engage in disorderly conduct as defined in M.S. 609.72, Subd. 1, as it may be amended from time to time.

(D) *Property of others.* It shall be unlawful for any person to:

(1) Intentionally disturb, harass or interfere with a park visitor's property; and/or

(2) Leave or store personal property on park property without prior authorization from the Parks Director, his designee or the Board.

(E) *Littering.* It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, hot coals, ashes, sewage, waste or other materials in a park, except in receptacles provided for the purposes.

(F) *Firearms; dangerous weapons; fireworks.* It shall be unlawful for any person to:

(1) Have in their possession within a park, fire or discharge, or cause to be fired or discharged across, in, or into any portion of a park any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon or any other dangerous weapon or projectile, except for purposes designated by the Board in areas and at times designated by the Board; and/or

(2) Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without authorization from the Board.

(G) *Interference with employee performance of duty.* It shall be unlawful for any person to impersonate any employee of the Parks Division or interfere with, harass or hinder any employee in the discharge of their duties.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.06 OPERATION REQUIREMENTS.

(A) *Commercial use; solicitation; advertising and photography.* It shall be unlawful for any person to:

(1) Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park, except by authorized concession or written permission granted by the Board;

(2) Operate a still, motion picture, video or other camera for commercial purposes in a park without prior authorization from the Board; and

(3) Expose, distribute or place any sign, advertisement, notice, poster or display in a park without authorization from the Parks Division.

(B) *Pets in parks.* It shall be unlawful for any person to:

(1) Bring any dog, cat or other pet into a park, unless caged or kept on a leash not more than six feet in length;

(2) Allow any dog, cat or other pet to enter a beach area, nature center area, refuge area, picnic area, park building or other "no pet" designated areas within a park;

(3) Permit a pet under his or her control to disturb, harass or interfere with any park visitor, a park visitor's property or a park employee;

(4) Tether any animal to a tree, plant, building or park equipment; and/or

(5) Have custody or control of any dog or domestic pet in a designated area of a park without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

(C) *Noise; amplification of sound.*

(1) It shall be unlawful for any person, without the prior written authorization of the Parks Director or his designee, to:

(a) Install, use or operate within the park a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any place within the park without prior authorization from the Board;

(b) Use or operate or permit the use or operation of any radio, tape player, phonograph, television set, music amplifier or other machine or device for the production or reproduction of sound in a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility; and/or

(c) Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet within any park or which causes discomfort or annoyance to any reasonable park visitor of normal sensitivity, except for special programs at dates and times as authorized by use permit or by the Board.

(2) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to the following:

(a) Level of the noise;

(b) The intensity of the noise;

(c) Whether the nature of the noise is usual or unusual;

(d) The level and intensity of the background noise, if any;

(e) The type of area within which the noise emanates;

(f) The intensity of human use of the area during the time at which the noise emanates;

(g) The time of the day or night the noise occurs;

(h) The duration of the noise; and

(i) Whether the noise is recurrent, intermittent or constant.

(D) *Fires.* It shall be unlawful for any person to:

(1) Start a fire in a park, except in a designated area, and then only in fire rings, portable stoves or grills, except by use permit;

(2) Leave a fire unattended or fail to fully extinguish a fire; and/or

(3) Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible material.

(E) *Assemblies, meetings and the like.* It shall be unlawful for any person to conduct public meetings, assemblies, worship services, entertainment, parades or demonstrations within a park without a use permit or prior authorization from the Board.

(F) *Amusement contraptions.* It shall be unlawful to bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget without prior authorization from the Board.

(G) *Engine-powered models and toys.* It shall be unlawful for any person to start, fly or use any fuel-powered model aircraft, model boat or rocket or like powered toy or model.

(H) *Unlawful occupancy.* It shall be unlawful for any person to enter in any way any building, installation or area that may be under construction or locked or closed to public use or to enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.07 PROTECTION OF PROPERTY, STRUCTURES AND RESOURCES.

(A) *Disturbance of natural features.* It shall be unlawful for any person to:

(1) Intentionally remove, alter, injure or destroy any tree, other plant, rock, soil or mineral;

(2) Dig trenches, holes or other excavations; and/or

(3) Introduce any plant, animal or other agent within a park without a use permit, and other permits as required by state and federal law.

(B) *Disturbance of wildlife.* It shall be unlawful for any person to:

(1) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except in nuisance situations as permitted by a use permit;

(2) Remove any animal, living or dead, from a park without a use permit and any animal so removed or taken contrary to the provisions of this chapter or laws of the state, shall be considered contraband and subject to seizure and confiscation; and/or

(3) Release or abandon any animal within a park.

(C) *Destruction or defacement.* It shall be unlawful for any person to:

(1) Intentionally deface, vandalize or otherwise cause destruction to park property; and/or

(2) Intentionally deface, destroy, cover, damage or remove any placard, notice or sign or parts thereof whether permanent or temporary, posted or exhibited by the Public Works Department.

(D) *Release of harmful or foreign substances.* It shall be unlawful for any person to:

(1) Place any debris or other pollutant in or upon any park lands or any body of water in or adjacent to a park, or any tributary, stream, storm sewer or drain flowing into the waters; and/or

(2) Discharge waste water or any other wastes in a park, except into designated containers, drains or dumping stations.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.08 RECREATION ACTIVITIES.

(A) *Camping.* It shall be unlawful for any person to:

(1) Camp in a park, except in areas provided and designated for that purpose;

(2) Camp without a use permit from the park system;

(3) Occupy camp sites in a park contrary to a permit or otherwise violate provisions of a use permit;

(4) Operate any vehicle within a campground during posted quiet hours, except in emergencies;

(5) Camp overnight in a park if under 18 years of age, unless accompanied by parent or legal guardian, or possessing written permission from a parent or legal guardian;

(6) Camp in a park longer than ten consecutive days; and/or

(7) Camp in a park more than 14 days in a calendar month without approval of the Parks Director or his designee.

(B) *Picnicking.* It shall be unlawful for any person to:

- (1) Assume exclusive use of a reservation picnic site without a use permit;
- (2) Use a portion of a reservation picnic area without a permit if the area is reserved by permitted group;
- (3) Conduct picnic activity at reservation picnic sites contrary to a use permit or otherwise violate provisions of a use permit; and/or
- (4) Set up temporary shelters, such as tents, tarps, canopies and other devices other than in designated camping areas without authorization by a use permit.

(C) *Swimming*. It shall be unlawful for any person to:

- (1) Wade or swim within a park, except at beaches designated for the use and only at the times when an authorized lifeguard is on duty unless otherwise explicitly signed and designated by the Board;
- (2) Wade, swim or use any beach in a park without proper attire;
- (3) Take glass bottles or glass containers of any kind into designated beach areas;
- (4) Use outside of a beach area so designated, any inner tube, life raft or other inflatable or buoyant object or flotation device intended to support a person, except persons are permitted to use a U.S. Coast Guard approved life jacket or vest when properly attached; and/or
- (5) Fail to obey posted beach safety rules as established by Board resolution for each park system beach.

(D) *Boating*. It shall be unlawful for any person to:

- (1) Launch or land any watercraft upon any waters within a park, except at designated locations and times;
- (2) Leave any watercraft unattended on land or in the water, except in designated areas;
- (3) Operate any watercraft in a designated swimming area or other prohibited area;
- (4) Operate a watercraft in a park; and/or
- (5) Tow a person on water skis, surf board, knee board, inner tube or Jet Ski in a designated swimming area, boat launching area or other unauthorized area or enter a designated swimming area on the device.

(E) *Fishing*. It shall be unlawful for any person to:

- (1) Fish in a park in violation of any provision; and/or
- (2) Fish in a prohibited area.

(F) *Horses and horseback riding*. It shall be unlawful for any person to ride, lead or allow a horse within a park except as authorized by the Board for park patrolling and by use permit.

(G) *Bicycling*. It shall be unlawful for any person to:

- (1) Operate a bicycle, except on roadways and designated trails and except as close to the right side of roadways and designated trails as conditions permit;
- (2) Operate a bicycle in violation of M.S. Chapter 169, as it may be amended from time to time;
- (3) Ride or operate a bicycle, except in a prudent and careful manner and at speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area; and/or
- (4) Park a bicycle at any park beach except at a bicycle rack if the rack is provided.

(H) *Snowmobiling*. It shall be unlawful for any person to:

- (1) Operate a snowmobile anywhere in a park, except on designated trails and then only on the right-hand side of the trail;
- (2) Operate a snowmobile in a park contrary to rules and regulations issued by the Board;
- (3) Operate a snowmobile in a park in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- (4) Operate a snowmobile in violation of M.S. 84.81 to 84.90, as they may be amended from time to time. All rules and regulations therein pertaining to "public land and water" shall apply on park system property; and/or
- (5) Tow another person or thing, except through the use of a rigid tow bar attached to the rear of the snowmobile, except in emergencies.

(I) *Cross-country skiing*. It shall be unlawful for any person to:

- (1) Cross-country ski in any park, except on designated trails at designated times when weather and grounds conditions permit;
- (2) Conduct an organized meet or race on park cross-country ski trails without a use permit;
- (3) Cross-country ski in a park in violation of M.S. 85.40 to 85.45, as they may be amended from time to time; and/or
- (4) Operate a dog sled or any motorized recreation vehicle on cross-country ski trails.

(J) *Other special activity uses.* It shall be unlawful for any person to participate in or conduct any activity, except those uses for which a park area or facility has been planned or promoted by the Parks Division, without a use permit.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.09 TRAFFIC REGULATIONS.

(A) *Motorized recreation vehicles.* It shall be unlawful for any person to operate a motorized recreation vehicle within a park, except in areas and at times as designated by the Board.

(B) *Vehicle operation.* It shall be unlawful for any person to:

- (1) Operate a vehicle at a speed in excess of 25 mph or posted speed limits;
- (2) Operate any vehicle within a park, except upon roadways, parking areas or other designated locations therefore;
- (3) Operate a vehicle within a park in violation of posted regulations, M.S. Chapter 169, as it may be amended from time to time, or municipal traffic codes or orders or directions of traffic officers authorized to direct traffic;
- (4) Operate a vehicle in a careless or reckless manner;
- (5) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other pollutants; and/or
- (6) Fail to yield right of way to pedestrians and other trail users.

(C) *Parking vehicles.* It shall be unlawful for any person to:

- (1) Park or leave a vehicle standing, except in a designated area and then only in a manner so as not to restrict normal traffic flow;

(2) Leave a vehicle standing after posted closing hours without a valid use permit;

(3) Park in a space designated for handicapped parking only, except with handicapped vehicle license or permit;

(4) Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers; and/or

(5) Park a vehicle with a boat trailer, except in designated vehicle/boat-trailer parking areas.

(D) *Maintenance of personal vehicles.* It shall be unlawful for any person to wash, polish, grease, change oil or perform other maintenance on any vehicle on park property, except in emergencies.

(Ord. 30, passed 4-14-87) Penalty, see 91.99

91.10 ENFORCEMENT.

(A) The County Sheriff's Department, local law enforcement agencies and agents of the State Department of Natural Resources, in connection with duties imposed by law, shall enforce the provisions of this chapter and may issue citations, and eject from any park persons acting in violation of the provisions of this chapter. The above agencies shall have the authority to seize, confiscate and impound any substance, plant, animal, vehicle or other article which upon probable cause, is found to be used or possessed in violation of this chapter.

(B) The Board shall have the right to adopt by resolution additional rules and regulations relative to this chapter.

(C) The County Sheriff's Department or local law enforcement agencies shall have the authority to impound pets found in violation of this chapter and shall collect an impoundment fee, plus a per diem fee, specified in contract for impounding of animals which may be in force within an animal control service district.

(D) The Parks Division or the Board shall have the authority to revoke for good cause any use permit. Any permit or reservation may be revoked upon violation by the permittee of any ordinance, rules or regulation of the county.

(E) Nothing in this chapter shall prevent employees or agents of the Parks Division from performing their assigned duties.

(Ord. 30, passed 4-14-87)

91.99 PENALTY.

A person guilty of violating any provision of this chapter shall be guilty of a misdemeanor, pursuant to M.S. 398.34 and as defined in M.S. 609.02(3), as they may be amended from time to time. All fines collected under this chapter shall be deposited into the County Park Fund.

(Ord. 30, passed 4-14-87)